

REMARKS

Applicants respectfully seek to enter the following amendments.

In Claim 1, the weight ratio of components (a) and (b) has been amended so that “0:100 to 30:70” has been deleted and replaced with “20:80 to 30:70.” Support for this amendment can be found, for example, in Examples 5 and 6.

New claims 9-11 have been added. Support for claims 9 and 10 can be found, for example, in Examples 5 and 6. Support for claim 11 can be found, for example, on page 7, lines 14-15.

Upon entry of the above amendments, claims 1-11 will be all the claims pending in the application.

Applicants have filed herewith a Terminal Disclaimer and a verified translation of the Japanese priority application.

Response to the Claim Rejections under 35 USC §§ 102 and 103

Claims 1-8 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over WO 01/29129 (“WO ‘129”).

Applicants have amended claim 1 to recite a golf ball material comprising a mixture which is composed of: 100 parts by weight of a base resin consisting of (a) an olefin-unsaturated carboxylic acid binary random copolymer or a metal ion-neutralized olefin-unsaturated carboxylic acid binary random copolymer or both, blended with (b) an olefin-unsaturated carboxylic acid-unsaturated carboxylate ternary random copolymer or a metal ion-neutralized

olefin-unsaturated carboxylic acid-unsaturated carboxylate ternary random copolymer or both, in a weight ratio of 20:80 to 30:70, (c) 5 to 80 parts by weight of a fatty acid or fatty acid derivative or both, having a molecular weight of 280 to 1,500; and (d) 0.1 to 10 parts by weight of a basic inorganic metal compound capable of neutralizing acidic groups left unneutralized in the base resin and component (c).

The claimed golf ball material has good thermal stability, flow and moldability. Furthermore, golf balls comprising the claimed material have improved rebound characteristics.

As recited in claim 1, the base resin of the present invention is prepared by blending components (a) and (b) in a weight ratio of from 20:80 to 30:70. Thus, in order to achieve the present invention, it is necessary to combine component (a) and (b). If component (a) is not present, the resulting golf ball is softer, which causes the velocity of the ball to decrease.

In contrast, WO '129 teaches blends of ethylene/acrylate/acid terpolymer, stearic acid and magnesium hydroxide. WO '129 fails to teach base resin produced by blending a binary random copolymer and a ternary random copolymer. Thus, WO '129 does not teach or suggest the presence of claimed component (a).

Applicants reproduce below the results of Examples 5 and 6 and Comparative Examples 1 and 2 from Table 1 at page 22 of the specification which demonstrates the effect of combining components (a) and (b).

| | | | Examples | | Comparative Example | |
|-------------------|------------------------|-------------------|----------|------|---------------------|------|
| | | | 5 | 6 | 1 | 2 |
| Composition (pbw) | Component (a) | Nucrel 1560 | | 20.0 | | |
| | | Himilan 1605 | 10.0 | | | |
| | | Himilan 1706 | 10.0 | | | |
| | Component (b) | Nucrel AN4318 | | | | |
| | | Surlyn 8320 | 40.0 | 40.0 | 50.0 | 50.0 |
| | | Surlyn 9320 | 40.0 | 40.0 | 50.0 | 50.0 |
| | | Himilan 1856 | | | | |
| | | Himilan 1855 | | | | |
| | | Surlyn 6320 | | | | |
| | Component (c) | Behenic acid | 20.0 | 20.0 | | |
| | | Calcium stearate | | | | 20.0 |
| | Component (d) | Calcium hydroxide | 3.0 | 3.5 | | |
| | Titanium dioxide | | 2.0 | 2.0 | 2.0 | 2.0 |
| Ball properties | Weight (g) | | 45.2 | 45.2 | 45.2 | 45.2 |
| | Hardness (mm) | | 2.80 | 2.79 | 2.87 | 2.84 |
| | Initial velocity (m/s) | | 77.5 | 77.4 | 76.6 | 76.8 |

As shown by the above comparison, the inclusion of component (a) results in an unexpectedly harder, and subsequently faster, golf ball.

WO '129 does not teach including a binary random copolymer in the base resin and does not suggest that doing so results in a golf ball with unexpectedly superior rebound characteristics.

Accordingly, Applicants respectfully assert that the rejection based upon WO '129 be withdrawn.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)

U.S. Application No. 09/994,729

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Claims 1-8 have also been rejected under 35 U.S.C. § 102(a)/(e) as being allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Application Publication No. 2001-0018375 to Hayashi ("Hayashi").

In response, and without admitting that the rejection is correct, Applicants have perfected their claim to priority to Japanese Patent Application No. 2000-379247, to thereby antedate Hayashi. Withdrawal of the foregoing rejection is respectfully requested. Enclosed herewith is a verified translation of the Japanese priority application.

Claims 1-7 have been rejected under 35 U.S.C. § 102(a) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over the WO 00/23519 ("WO '519). WO '519 is relied upon to exemplify blends of ethylene/acrylate/acid terpolymer.

Similar to WO '129, WO '519 discloses blends of ethylene/acrylate/acid terpolymer, stearic acid and neutralizing metal. WO '519 also fails to disclose or suggest blending a ethylene/acrylate/acid terpolymer with a binary random copolymer.

Applicants submit that, for the reasons discussed in the response to the rejection of claims 1-8 over WO '129, WO '519 does not teach, suggest or render obvious claims 1-8.

Accordingly, Applicants respectfully assert that the rejection based upon WO '519 be withdrawn.

Claims 1-8 have additionally been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Application Publication No. 2003-0139434 to Statz ("Statz '434").

Similar to WO '129 and WO '519, Statz '434 discloses blends of ethylene/acrylate/acid terpolymer, stearic acid and neutralizing metal. Statz '434 also fails to disclose or suggest blending a ethylene/acrylate/acid terpolymer with a binary random copolymer.

Applicants submit that, for the reasons discussed in the response to the rejection of claims 1-8 over WO '129 and WO '519, Statz '434 does not teach, suggest or render obvious claims 1-8.

Accordingly, Applicants respectfully assert that the rejection based upon Statz '434 be withdrawn.

Response to Obviousness-type Double Patenting Rejections

Claims 1-8 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-5 of U.S. Patent No. 6,565,455.

Claims 1-8 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of copending U.S. Application Nos. 09/906,844, 09/906,638 and 09/695,140.

Applicants concurrently file herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome these rejections.

In view of the above, Applicants respectfully request withdrawal of the double patenting rejections of claims 1-8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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